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September 18

Dr. Austin J. McCaffrey
Commissioner of Education
State Department of Education
State House Annex
Concord, New Hampshire

Dear Sir:

In answer to your letter of September 14th which referred to a communication from Newell J. Paire, Superintendent of Schools of Supervisory Union No. 63, the following is submitted.

The specific question involved is whether or not a school district which does not maintain its own high school but has an exclusive contract with a high school or academy located in this or another state provides a public school "within the district" requiring attendance of pupils until they reach the age of sixteen.

There are two sections of our law which are concerned with this question. The first is found in RSA 193:1 which indicates that all pupils must attend the public school to which he is assigned until he reaches the age of sixteen unless the school district where he resides does not maintain a high school. RSA 194:22 indicates that any school district may make a contract with an academy or high school located outside of its district boundaries and if the contract is approved by the State Board the school with which it is made "shall be deemed a high school maintained by the district".

Therefore, it is my opinion that the reference in RSA 193:1, which provides that pupils must attend school until they are sixteen years old if the school is maintained by the school district where the pupil resides includes a school outside the district when the district in which he resides has a contract which has been approved by the State Board of Education.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T
Enc.